

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

JUAN CARLOS RIVERA,

Plaintiff,

vs.

CLARK COUNTY, NEVADA, *et al.*,

Defendant,

2:11-cv-0001-RLH-RJJ

REPORT & RECOMMENDATION  
OF UNITED STATES  
MAGISTRATE JUDGE

This matter is before the Court on the failure of Plaintiff, Juan Carlos Rivera to appear at the hearing scheduled for October 22, 2012.

Upon review of this matter, the Court makes the following findings,

1. On February 1, 2011, the Court held a status hearing in this case and ordered Plaintiff, Juan Carlos Rivera to file an Amended Complaint on or before March 30, 2012. More than a year later, on April 18, 2012, Plaintiff, Juan Carlos Rivera, filed an Amended Complaint (#7).
2. On September 27, 2012, the Court entered an Order (#8) scheduling a status hearing for October 22, 2012, on the Amended Complaint (#7) .
3. The Order (#8) was served on Plaintiff by the United States Postal Service by certified mail, return receipt requested. *See*, Certified Mail Receipt (#9).

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1           4.       Plaintiff, Juan Carlos Rivera failed to appear for the hearing scheduled for  
2                   October 22, 2012. He did not seek a continuance of the hearing and further, he  
3                   failed to contact the court to provide a reason for his non-appearance.

4                                   **RECOMMENDATION**

5           Based on the foregoing and good cause appearing therefore,

6           IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that this case be  
7 **DISMISSED WITH PREJUDICE.**

8                                   **NOTICE**

9           Pursuant to Local Rule IB 3-2 [former LR 510-2] any objection to this Report and  
10 Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14)  
11 days after service of this Notice. The Supreme Court has held that the courts of appeal may  
12 determine that an appeal has been waived due to the failure to file objections within the specified  
13 time. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986). This Circuit has  
14 also held that (1) failure to file objections within the specified time and (2) failure to properly  
15 address and brief the objectionable issues waives the right to appeal the District Court's order  
16 and/or appeal factual issues from the order of the District Court. Martinez v. Ylst, 951 F.2d 1153  
17 (9th Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

18           DATED this 24th day of October, 2012.

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22                                   ROBERT J. JOHNSTON  
23                                   United States Magistrate Judge  
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